

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH CHAN, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

No. 23 Civ. 10365 (LJL)

NEW YORKERS AGAINST CONGESTION
PRICING TAX, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

No. 24 Civ. 367 (LJL)

MICHAEL MULGREW, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, *et al.*,

Defendants.

No. 24 Civ. 1644 (LJL)

**THE FEDERAL DEFENDANTS' NOTICE OF LODGING THE CERTIFIED LIST OF
THE SUPPLEMENTAL ADMINISTRATIVE RECORD CONTENTS**

The Federal Defendants¹ hereby provide notice of the certification of the Supplemental Administrative Record for the Federal Defendants' June 14, 2024 approval of the Re-Evaluation for the Manhattan Central Business District Tolling Program ("the Project"). As detailed in the attached declaration and index, the certified list of the Supplemental Administrative Record contents filed with the Court today reflects those documents considered directly or indirectly by the Federal Defendants in connection with their review of the Project under the National Environmental Policy Act, and constitutes the record for the approval signed on June 14, 2024. The record does not include deliberative materials. *See Comprehensive Cmty. Dev. Corp. v. Sebelius*, 890 F. Supp. 2d 305, 308-09 (S.D.N.Y. 2012) (articulating standard governing scope of the administrative record); *id.* at 312 (recognizing that "deliberative materials antecedent to the agency's decision fall outside the administrative record").

Finally, and pursuant to this Court's October 24, 2024 Order, the Federal Defendants are delivering flash drives that contain electronic versions of the documents in the Supplemental Administrative Record and a hyperlinked index to the record. Defendants intend to send one copy of the flash drive for the Clerk of Court's Office; one copy for the Chambers of United States District Judge Lewis J. Liman; and one copy for each of the Plaintiffs and Defendants.

Respectfully submitted this 25th day of October, 2024,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Zachary Bannon
ZACHARY BANNON
DOMINIKA TARCZYNSKA
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¹ For purposes of this notice, the Federal Defendants are the U.S. Department of Transportation ("DOT"), the Federal Highway Administration ("FHWA"), Shailen Bhatt, in his official capacity as Administrator of FHWA, and Richard J. Marquis, in his official capacity as Division Administrator of the New York Division of FHWA.